

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 11, 1956
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Palmer, Pearson, White, Mayor Miller
Absent: Councilman Long

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by REV. CHARLES SUMNERS, St. David's Episcopal Church, 304 East 7th Street.

Councilman White moved that the Minutes of October 4th be approved. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The Council by rising vote joined the Mayor in proclaiming the week of OCTOBER 14th MIRABEAU B. LAMAR WEEK. The proclamation is as follows:

P R O C L A M A T I O N

WHEREAS, the Third Congress of the Republic of Texas passed an Act, which was approved January 14, 1839, by President MIRABEAU B. LAMAR, directing that a site for the Seat of Government be selected by certain Commissioners; and,

WHEREAS, said Commissioners, in their report to President Lamar on their choice of a site, delivered April 15, 1839, said in part:

"They are satisfied that a truly National City could at no other point within the limits assigned to them be reared up, not that other sections of the country are not equally fertile, but that no other combined so many and such varied advantages and beauties as the one in question. The imagination of even the romantic will not be disappointed on viewing the sweep of the Colorado, and the fertile and gracefully undulating woodlands and luxurious prairies at a distance from it. The most

skeptical will not doubt its healthfulness, and the citizens bosom must swell with honest pride when standing in the Portico of the Capitol of his Country he looks abroad upon a region worthy only of being the home of the brave and the free

/s/ A. C. Herten, Chairman
 /s/ I. W. Bunton
 /s/ William Menafee
 /s/ Isaac Campbell
 /s/ Louis W. Cooke "

and,

WHEREAS, the Honorable Edwin Waller, subsequently elected first Mayor of the City of Austin, was appointed agent to raise up a Capitol City upon this site, and the survey was commenced on May 20, 1839, and the first sale of lots held on August 1, 1839; and,

WHEREAS, of the City thus established it was said that:

"No new Town in this or any other country ever began its existence with a larger ratio of educated, talented and honorable men, especially young men"

and the names borne by many of these are still to be found in the City; and,

WHEREAS, on October 17, 1839, President Mirabeau B. Lamar of the Republic of Texas, with his Cabinet, entered and established the Seat of Government of the Republic of Texas in the City of Austin, being met with a Guard of Honor and a twenty-one gun salute:

Now, Therefore, I, Tom Miller, Mayor of the City of Austin, mindful of the high purpose to which this City was dedicated by the vision and courage of its Founders, proclaim that the week beginning October 14, 1956, shall be celebrated in this City as

MIRABEAU B. LAMAR WEEK

in grateful memory of himself and of his illustrious colleagues.

The Mayor announced that MR. M. H. CROCKETT and his son were going to present the original gun that President Lamar used, and Mr. Crockett invited the Council and people to be present in the Senate Chamber for this presentation.

MR. BILL WRIGHT, Junior Chamber of Commerce, came before the Council, regarding parking. Their interest was to permit one who receives an over-parking ticket, to be required to pay only 25¢ if the ticket were paid within an hour. He believed it would help to keep the traffic moving, and yet add to better relations. The Mayor thanked the Junior Chamber of Commerce Group, and outlined the many things the group had done for the City. He stated this matter would be referred to the Police and Traffic and Transportation Departments for study and

report. He outlined the study made earlier of the fines paid in other cities, and that Austin was way under, and that a slight increase in fines was made. Councilman Pearson stated in line with the idea, he had given thought to having pay-stations all over the city for the paying of the fines.

The Council had before it the following zoning application postponed from last week:

CRUZ GALENDO	800-810 Lydia Street 1114-1118 East 8th Street	From "C" Commercial To "C-1" Commercial NOT Recommended by the Planning Commission
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MR. BOB LONG represented the opposition. MRS. GUAJARDO, MRS. MAXINE LOMBARD, and another lady expressed opposition to the change. MR. J. A. RAUHUT, Attorney, represented the Pastor of the Presbyterian Church at 8th and Navasota, in opposing the sale of beer in this area. The Mayor asked the group to get together with their attorneys and petition for the area to be zoned "A" or "B" Residential, if they would like. After lengthy discussion, MR. KENNETH LAMPKIN, Attorney for the applicant, withdrew the request.

MRS. MAXINE LOMBARD stated she found she was living in a "C-2" area unbeknowns to herself, made a complaint against the Shamrock Lounge and Restaurant, and filed the following two petitions to change the zone of property known as 1205 East 11th Street east to 1213 East 11th Street, from "C-2" to "C", (she indicated the petition was signed by people owning 50% of the property):

"October 11, 1956

"To: Hon. Tom Miller, Mayor; and Members of the City Council, Austin, Texas

"We the undersigned persons being residents of Austin, Texas and owning real property situated within 200 feet of real property designated by street and number as 1207 East 11th Street, do hereby respectfully petition the City Council for a change of the zoning regulations prescribed for real property known as: 1205 East 11th Street proceeding East to 1213 East 11th Street.

"The present zoning regulation in force for the above mentioned properties is "C-2" Commercial permitting the sale of and storage of, dispensing or otherwise handling of malt, vinous, and spiritous liquors for on-site or off-site consumption; and all privileges permitted under zoning effective for a "C" Commercial District and "C-1" Commercial District.

"The owners of property situated within 200 feet of 1207 East 11th Street, such property now being used for the sale of beer, and residents of long term by undersigned signatures do hereby request the earliest action of the City Council effecting the change herein requested. We request that the Council act within as short a time as possible for the following reasons:

- a. Apparently, such business known as the Shamrock Lounge and Restaurant now occupying the premises of 1207 E. 11th Street opened for business on Friday, September 28, 1956. Within two days after said business opened (Sunday, September 30, 1956)

a firearm was discharged on the premises at approximately 9:15 p.m. placing residents of the block in fear and apprehension heretofore unexperienced in this neighborhood.

b. The owner of the property, Theodore Davis, now presently employed by the City Schools of Austin, has indicated the intention of converting the alleyway in this block by usage as a through-street and thoroughfare to provide two-way accessibility to the Shamrock Lounge and Restaurant. This has caused great concern for parents living in the block (there are approximately 28 children in this block) as many children quite frequently and especially during weekends visit with each other by taking the "short-cut" through the backyards via the alleyway. The building composition of this block is: eleven homes (11 homes) and three business (3 businesses): (1) a beauty school and insurance firm occupying one building; (2) a drug store and (3) a food and tavern shop (Shamrock Lounge and Restaurant).

c. The zoning regulation for this block was changed without proper understanding on the part of the Owners. (See City Records, May, 1951). (Petition for change by J.L. Reed, 1101 Navasota Street, April, 1951). Property owners were in the belief that the change to "C-2" Commercial affected only property owned by Mr. Reed. On recommendation of the zoning board to the City Council, the entire area was changed. Residents insist that no notification of the recommendation of the zoning board was sent to them, and that first notification referred to the change requested for Mr. Reed alone.

"Respectfully submitted,

"NAME

"ADDRESS

1. Mrs. U. V. Christain	1211 E. 11th Street
2. Mrs. & Mrs. R. J. Lombard	1211 E. 11th Street
3. Mrs. Gertrude Hudspeth	1214 E. 10th Street
4. Mrs. Daniel Mercado	1212-B E. 10th Street
5. Mrs. C. H. Mercado	1212 E. 10th Street
6. Mr. & Mrs. Hammitt Miller	1157 Lydia Street
7. Mrs. Beatrice James	1159 Lydia Street
8. Mrs. W. M. Davis	1157 Navasota Street
9. Mr. & Mrs. R. McDonald	
10. Mr. & Mrs. A. W. Humphreys	1406 E. 11th Street
11. Mr. & Mrs. Ben A. Robinson	1406 E. 11th Street
12. Mr. & Mrs. G. C. Lee	1402 E. 11th Street
13. Mrs. Geneva Weekly	1208 E. 10th Street
14. Mrs. Willie Penson	1210 E. 10th Street
15. O. C. Wilson	1206 E. 10th Street
16. Mrs. L. E. Beaver	1222 Rosewood
17. Mrs. Evalena Hughes	
18. King's Daughters Home for Aged (By Club Consent) "	

"October 11, 1956

"To: Hon. Mayor Tom Miller and Members of the City Council of Austin, Texas

"The undersigned residents and property owners contingent with the petition

requesting a change of zoning for real property known as 1205 E. 11th through 1213 East 11th further petition on the City Council to:

"Place into real effect the noise ordinance of the City of Austin which is flagrantly violated in the 1000 through 1200 blocks of East 11th Street.

"Noise emitting from within the premises of several taverns, juke boxes which can be heard from blocks, and bands with amplifiers which can be heard over a considerable area - continue into the night and early morning sometimes and frequently until 3:30 a.m.

"This noise is unnecessary and deprives residents of their rest and protection of property from vandalism.

"We prayerfully request relief from the City Council; to wit: that all noises emitting from any establishment should be confined thereto and therein."

MR. DANIEL MECARDO, living at the rear of 1212 East 10th, complained of the establishment's not having proper parking facilities and its using the alley as a thoroughfare and an entrance to the parking lot, when one side of the alley is residential.

The Council had before it the following zoning request deferred from last week:

F. K. EIDELBACK, et al	1122 $\frac{1}{2}$ -1130 Kirk Avenue	From "C" Commercial 6th
	1126 3/8 Airport Blvd.	Height and Area
		To "D" Industrial 6th
		Height and Area

The Mayor asked those who wished to grant the change to "D" Industrial 6th Height and Area to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
 Noes: None
 Absent: Councilman Long

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

MR. ED BARKLEY, living on East St. Elmo Road near the sanitary fill, complained about the burning in the fill. The Mayor explained the situation and stated there was a new development in the garbage disposal field that was under study. Mr. Barkley asked if the burning could be done between 9:00 A.M. and 4:00 P.M. The Director of Public Works stated he would try to work something out for Mr. Barkley in the meantime.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE AND HEIGHT AND AREA DESIGNATIONS FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON TWO TRACTS OF LAND, ONE CONTAINING APPROXIMATELY 154 ACRES OF LAND, LOCALLY KNOWN AS THE EAST SIDE OF THE 6100-6800 BLOCK OF INTERREGIONAL HIGHWAY, THE NORTH SIDE OF THE 6100-6400 BLOCK STATE HIGHWAY #20, THE WEST SIDE OF THE 6600-6800 BLOCK CAMERON ROAD AND THE SOUTH SIDE OF THE 800-1100 BLOCK OF ATKINSON ROAD, THE OTHER CONTAINING APPROXIMATELY 3.9 ACRES OF LAND, LOCALLY KNOWN AS 6409-6455 STATE HIGHWAY #20 AND 6210-6310 CAMERON ROAD, ALL IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
 Noes: None
 Absent: Councilman Long

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
 Noes: None
 Absent: Councilman Long

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
 Noes: None
 Absent: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

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APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT ON PORTION OF LOTS 1-12, BLOCK 4, ROBOARD'S SUBDIVISION OF OUTLOTS 43, 44, 54 AND 55, DIVISION "D", LOCALLY KNOWN AS 1200-1206 WEST 25TH STREET; 2500-2600 LONGVIEW STREET AND 2517-2601 LAMAR BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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2210 HANCOCK DRIVE AND 5100-5206 LYNNWOOD STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"Sealed Bids opened 2:00 Sept. 21, 1956
Tabulated by: O. G. Brush, Purchasing Agent

"BIDS ON NETWORK TRANSFORMERS ELECTRICAL UTILITY DEPARTMENT

	PRIESTER SUPPLY COMPANY	GENERAL ELECTRIC COMPANY	ALLIS- CHALMERS COMPANY	SOUTHERN ELECTRIC SUPPLY	WALTER TIPS COMPANY
12 NETWORK TRANS- FORMERS PER CITY SPEC. E-322	\$87,132.00	\$86,700.00	\$87,132.00	\$87,132.00	\$87,132.00
MANUFACTURER	MOLONEY ELECTRIC COMPANY	G. E. COMPANY	ALLIS- CHALMERS	ALLIS- CHALMERS	WESTING- HOUSE

"All bids were subject to a maximum upward escalation of 10%.
Bids of Walter Tips and Southern Electric Supply were F.O.B. Austin, the
balance F.O.B. Factory, with freight allowed.

"These transformers represent the requirements of the City for the fiscal
year 1956-1957.

"It is recommended that low bidder, General Electric Company be awarded
contract.

"W.T. Williams, Jr. City Manager"

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on September 21, 1956, the City of Austin received bids for the
purchase of twelve (12) network transformers; and,

WHEREAS, an evaluation of the bids received for such equipment shows the
bid of General Electric Company in the amount of \$86,700.00 to be the lowest
and best bid therefor; and,

WHEREAS, the acceptance of such bid has been recommended by the Purchasing
Agent of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said bid of General Electric Company in the sum of \$86,700.00 be and
the same is hereby accepted, and W. T. Williams, Jr., City Manager is hereby
authorized and directed to enter into a contract on behalf of the City with
General Electric Company.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller

Noes: None

Absent: Councilman Long

The City Manager submitted the following:

"October 10, 1956

"Bids for 3 - 300 KVA three phase regulators City Specification E-320, 3 - 500/625 three phase regulators City Specification E-321, and 3 - 167 KVA single phase regulators City Specification E-319 were received and opened by the Purchasing Agent at 2:00 P.M., September 12, 1956. These bids are attached hereto and tabulated below.

<u>BIDDER</u>	<u>AGGREGATE BID</u>	<u>ADD FOR JOBSITE DELIVERY</u>	<u>DEDUCT FOR LUMP SUM AWARD</u>	<u>NET COST TO CITY</u>
Southern Elec. Supply	\$108,297.00	\$450.00	\$800.00	\$107,947.00
General Electric Co.	\$108,297.00	-0-	-0-	\$108,297.00
Graybar Electric Co.	\$108,297.00	-0-	-0-	\$108,297.00

"I recommend that the low lump sum bid be accepted and an order be placed with Southern Electric Supply Company for 3 - 300 KVA regulators City Specification E-320, 3 - 500/625 KVA regulators City Specification E-321, and 3 - 167 KVA regulators City Specification E-319 for the lump sum price of \$107,947.00.

"Signed D.C. Kinney
Director Electric Utility

"Approved
W.T.W."

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on September 12, 1956, for the furnishing of 3 - 300 KVA three phase regulators, 3 - 500/625 three phase regulators and 3 - 167 KVA single phase regulators; and,

WHEREAS, the bid of Southern Electric Supply Company in the sum of \$107,947.00 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Electric Utility of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Southern Electric Supply Company in the sum of \$107,947.00 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Southern Electric Supply Company.

The motion, seconded by Councilman Pearson, carried by the following vote:
Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH EDNA VON ROSENBERG; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH BUILDERS DEVELOPMENT CORPORATION; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
 Noes: None
 Absent: Councilman Long

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"Sealed proposals for the construction of West Bouldin Creek Sanitary Sewer from South 1st Street to West Gibson Street were received until 10:00 A.M. Tuesday, October 9, 1956, and then publicly opened and read.

"The following is a tabulation of the bids received:

FIRM	TOTAL BID	WORKING DAYS
Austin Engineering Co.	\$67,571.96	90 working days
Karl B. Wagner	\$71,181.70	125 working days
Joe Bland Const. Co.	\$73,376.25	90 working days

"It is recommended that the contract be awarded to Austin Engineering Company on their low bid of \$67,571.96 with 90 working days.

"(Sgd) Albert R. Davis
 Superintendent Water & Sewer Dept."
 "Approved By W.T.W.
 City Manager"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 9, 1956, for the construction of West Bouldin Creek Sanitary Sewer from South First Street to West Gibson Street; and,

WHEREAS, the bid of Austin Engineering Company in the sum of \$67,571.96 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Superintendent of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Austin Engineering Company in the sum of \$67,571.96 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Austin Engineering Company.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
 Noes: None
 Absent: Councilman Long

Mayor Miller introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING A PORTION OF THAT CERTAIN ALLEY EXTENDING IN AN EASTERLY DIRECTION FROM THE EAST LINE OF SOUTH FIRST STREET TO EAST BOULDIN CREEK; IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT FOR DRAINAGEWAY AND PUBLIC UTILITIES IN THE CITY OF AUSTIN; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING THAT CERTAIN PORTION OF AN ALLEY LYING BETWEEN THE WESTERLY PROLONGATION OF THE NORTH LINE OF LOT 4, BLOCK 1 OF FELLMAN HEIGHTS AND THE WESTERLY PROLONGATION OF THE SOUTH LINE OF LOT 3, BLOCK 1, FELLMAN HEIGHTS, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING A CERTAIN PORTION OF SUMMIT STREET WHICH EXTENDS SOUTHWARD FROM THE INTERSECTION OF SUMMIT STREET AND SUNNYVALE STREET TO THE NORTH LINE OF LOT 1, ELMHURST ADDITION; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING CERTAIN PORTION OF SOUTH FIRST STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING PUBLIC UTILITIES EASEMENT; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute a warranty deed on behalf of the City of Austin conveying the following described property to Virginia M. Wiley, upon the payment of the consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, said tract of land being described as follows, to wit:

552 square feet of land, same being out of and a part of Lots 6 and 7, Block 1, Fellman Heights, a subdivision of a portion of Outlot 23, Division "C" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas; a map or plat of the said Fellman Heights being of record in Book 2 at page 160 of the Plat Records of Travis County, Texas, which Lots 6 and 7, Block 1, Fellman Heights, were conveyed to the City

of Austin, Travis County, Texas, by warranty deed dated September 13, 1948, of record in Volume 916 at page 179, of the Deed Records of Travis County, Texas, said 552 square feet of land being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of the said Lot 7, Block 1, of Fellman Heights;

THENCE with the north line of Lot 7, S. 60° 09' E. 8.00 feet to a point in the west right-of-way line of the Interregional Highway;

THENCE with the west right-of-way line of the Interregional Highway S. 30° 01' W. 69.00 feet to a point in the south line of Lot 6 of the said Fellman Heights;

THENCE with the south line of Lot 6 N. 60° 09' W. 8.00 feet to the southwest corner of the said Lot 6;

THENCE with the west lines of Lots 6 and 7 N. 30° 01' E. 63.00 feet to the point of beginning.

The motion, seconded by Councilman Pearson, carried by the following vote:
Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the southwest corner of the intersection of Manor Road and Chicon Street which property fronts 101.95 feet on Manor Road and 149.00 feet on Chicon Street, being known as Lots 6 & 7 of Block 13 of H. H. Glissmann's Addition in the City of Austin, Travis County, Texas, and hereby authorizes the said Capitol City Oil Company to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans. The Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained, if after hearing it is found by the City Council that the said Capitol City Oil Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"October 11, 1956

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of Capitol City Oil Company for permission to construct, maintain, and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the southwest corner of the intersection of Manor Road and Chicon Street which property fronts 101.95 feet on Manor Road and 149.00 feet on Chicon Street, being known as Lots 6 & 7 of Block 13 of H. H. Glissmann's Addition in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Capitol City Oil Company and is to be leased to Phillips Petroleum Company. We hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street, and furthermore, shall not create a nuisance to others in the neighborhood. It is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued, if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that Capitol City Oil Company be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith subject to the following conditions.

"(1) That all buildings and equipment shall be placed inside of the property line; correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways; building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used, and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc., and that all construction of the filling station improvements shall be in accordance with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2 - H - 146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan, hereto attached, which plan bears the Department of Public Works file number 2 - H - 1469.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2 - H - 1469 and shall be of the premoulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection, and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted,
(Sgd) S. Reuben Rountree, Jr.
Director of Public Works
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The City Manager stated that MR. KINNEY had a letter from General Electric Company inviting the Council to a program sponsored by the electrical industries, at the Driskill Hotel, October 16, 1956 at 12:15 P.M.

The City Manager submitted the request of the Heritage Foundation to locate the old O. Henry Home on a site just south of Gaston Avenue, west of Shoal Creek Boulevard. The City Manager was requested to work out the details and bring back to the Council.

Councilman Pearson moved that the obtaining of the triangle at the intersection of West 49th and Lynnwood from MR. MIER in exchange of paving be authorized. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

Councilman White moved that the paving of Hillview from Windsor to Bowman on 75% property owner participation be authorized. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

By rising vote, the Council adopted a resolution of appreciation of MR. ALBERT DAVIS who this day finished 35 years of service.

The Council granted permission to the University of Texas to have a parade on October 20th, at which will be 140 high school bands from all over the State. This in connection with the Texas-Arkansas game.

There being no further business the Council adjourned at 12:15 P.M. subject to the call of the Mayor.

APPROVED

Tom Miller
Mayor

ATTEST:

Elie Hooley
City Clerk